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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 26, 2017
85th Legislature, Number 57
The House convenes at 10 a.m.
Part One

Thirty-one bills are on the daily calendar for second-reading consideration today. The bills on the Emergency and General State calendars analyzed in Part One of today's *Daily Floor Report* are listed on the following page.



Dwayne Bohac
Chairman
85(R) - 57

HOUSE RESEARCH ORGANIZATION

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Wednesday, April 26, 2017

85th Legislature, Number 57

Part 1

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SUBJECT: Prohibiting certain local policies on immigration law, federal detainees

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 7 ayes — Cook, Craddick, Geren, Kuempel, Meyer, Paddie, Smithee

5 nays — Giddings, Farrar, Guillen, Oliveira, E. Rodriguez

1 absent — K. King

SENATE VOTE: On final passage, February 8 — 20-10 (Garcia, Hinojosa, Lucio, Menéndez, Miles, Uresti, Watson, West, Whitmire, Zaffirini)

WITNESSES: For — Matt Long and Angela Smith, Fredericksburg Tea Party; Michael Najvar; Michael Openshaw; (*Registered, but did not testify*: Fran Rhodes, NETarrant Tea Party; Michael McCloskey, Republican Party of Texas; AJ Louderback, Sheriffs' Association of Texas; Janet Thomas, Texans for Immigration Reduction and Enforcement; Bill Hussey; Jose Melendez; Susan Najvar;)

Against — Kali Cohn, ACLU of Texas; Patricia Fernandez, AILA; Jannell Robles, AILA, law office of Velia E. Rosas; Faye Kolly, American Immigration Lawyers Association; Javier Salazar, Bexar County Sheriff, Bexar County Sheriff's Office; Daisy Arvizu, Angel Ayala, Maria Dominguez, Nelly Miranda, Jennifer Parra, Adelaida Roque, and Shaneanea Rosales, Border Network of Human Rights; Beatriz Lozano, Border Network of Human Rights, RITA; Justin Estep, Catholic Charities of Central Texas; Benjamin Perez, CEAT; Abel Lopez and Mary Lopez, CEAT Pastors Alliance; Brian Manley, City of Austin; Gerald Pruitt, City of Fort Worth; Shirley Gonzalez, Rey Saldana, and Roberto Trevino, City of San Antonio; Eddie Canales, Corpus Christi Immigration Coalition; Shelley Knight, Dallas Sheriff's Department; Jo Anne Bernal, El Paso County; Bill Beardall, Equal Justice Center; Rolando Almaraz, Marlene Chavez, and Nahiely Garcia, Equal Voice Network of Rio Grande Valley; Julio Acosta, Kevin Canto, Jalyn Castro, Mari Chazarreta, Gloria Gonzalez Garcia, LaToya Murray, Andrea Najera, Jose Rebollosa, and Lilia Velazquez, Faith in Texas; Maria Robles, Faith in Texas, RITA;

Nicolasa Casimiro, Alma Cooper, Marleny Diaz, Cesar Espinoza, and Johanna Sanchez, FIEL (Familias Inmigrantes y Estudiantes en la Lucha); Sofia Casini and Bob Libal, Grassroots Leadership; Ed Gonzalez, Harris County Sheriff's Office; James Lee, Hispanic Caucus - Texas Democratic Party; Zeph Capo, Houston Community College - District 1; Fran Watson, Houston GLBT Political Caucus; Matt May, Houston Police Department; Marivel Reyes, Iglesia El Shaddai; Marlon Duran, La Union del Pueblo Entero; Esmeralda Garza, Latino Leaders; Stacey Garza, Latino leadership; Chris Frandsen, League of Women Voters of Texas; Isidro Garza, LULAC, Cesar E. Chavez; Celina Moreno, Mexican American Legal Defense and Education Fund; Carlos Duarte and Anabella Fernandez, Mi Familia Vota; Gilberto Avila, One New Creation Church; Anandrea Molina, Organizacion Latina de Trans en Texas; Felix Jimenez, Proyecto Defensa Laboral; Ileana Nuñez, Red Fronteriza por los Derechos Humanos; Justin Tullius, Refugee and Immigrant Center for Education and Legal Services (RAICES); Crystal Avila and Roberto Valadez Pena, RITA; Anthony Trevino, San Antonio Police Department; Maria Dominguez, Sandra; Lyndon Rogers, Southwest Hispanic Convention of Christian Churches; Enedelia Obregon, St. Thomas More Catholic Church; Norman Adams, Texans for Sensible Immigration Policy; Belinda Harmon, Texas Association of Chicanos in Higher Education; Bishop Joe Vasquez, Texas Catholic Conference of Bishops; Jaime Puente, Texas Graduate Student Diversity; Joshua Houston, Texas Impact; Yannis Banks, Texas NAACP; Chuck Freeman, Texas UU Justice Ministry; Jennifer Ramos, Texas Young Democrats; Adonias Arevalo, Stacey Garza, Rosa Hernandez, Karla Perez, Linda Rivas, Alice Serna-McDougall, Marisol Valero, and Grisel Villarreal, United We Dream; Alondra Chavez, United We Dream Houston, fvaldezlaw; Frances Valdez, United We Dream, American Immigration Lawyer Association; Daniel Candelaria, United We Dream-Houston; Daniel Barrera, Juan Belman, Estefania Ponce-Dominguez, and Vanessa Rodriguez, University Leadership Initiative; Alisa Hernandez, UT Chapter Amnesty International; Erin Walter, Wildflower Church; Maria De Jesus Garza, Stephanie Gharakhanian, Ana Gonzalez, Sergio Govea, Priscila Lopez, Lizeth Martinez, Silvia Martinez, Janay Membrano, Wendy Membrano, Samantha Robles, and Adriana Velazquez, and Sandy Romero, Workers Defense Project; Jacob Aronowitz, Young Active Labor Leaders; and about 42 individuals; (*Registered, but did not testify*: Agustin Campos, a

church; Abraham Perez, Alianza Latina Ministerial de Austin; Carmelita Perez and Esmeralda Rodriguez, ALMA; Sean Hassan, Austin Community College; Shane Johnson and Sukyi McMahon, Austin Justice Coalition; Susanaw Pimiento, Austin Language Justice Collective; Steve Landsman, Austin Sanctuary Network; Josefina Castillo, Austin Tan Cerca de la Frontera; Michael Harris, Blackland Neighborhood Association; Jose Alvarado, Briana Arias, Adaiah Arvizu, Jose Ayala, Miguel Ayala, Itzel Campos, Tania Galindo, Jasiel Lira, Alexandra López, Jose Luis, Idaly Ochoa, Maria Roa, and Jesus Torres, Border Network of Human Rights; Martina Dominguez, Border Network of Human Rights, RITA; Sadrach Alfaro, Daniel Arenas, Ronal Bonilla, Nestor Gonzalez, Ricardo Gonzalez, Susana Grande, Gabriel Izquierdo, Maria Jimenez, Gabriel Lance, Fabian Lopez, Julia Lopez, Cinthia Martinez, Julio Mejia, Arturo Mendez, Oscar Mondragon, Neftali Quintana, Jose Luis Rios, Jose Trejo, Samuel Trejo, Cinthya Valle, Mariza Valle, Martin Roberto Valle, and Melody Valle, CEAT; Dorothy Ann Compton, Green Acres Activists (GAA); Vincent Harding, Chair of Travis County Democratic Party; Patty Cerpa, Sara Esquivel, Cindy Solis, and Moses Solis, CHEAT; Tom Tagliabue, City of Corpus Christi; Gary Tittle, City of Dallas, Dallas Police Department; Guadalupe Cuellar, City of El Paso; Ashley Nystrom, City of Waco; Hilda Gutierrez, Communities of Color United; Fatima Mann, Counter Balance: ATX; Barbara Fetonte, Democratic socialist, TSEU, Our Revolution; Daniel Fetonte and Colin Gray, Democratic Socialists of America; Padma Swamy, Doctors For Change; Emma Perez Treviño, Francisco Ramos, Michael Seifert, and Gabriela Zavala, Equal Voice Network of Rio Grande Valley; Ash Hall, Equality Texas; Ken Flowers, Nora Gomez, Mikaela Gonzalez, Melissa Hernandez, Juan Loya, Alma Martinez, Christopher Nery-Gomez, Hilda Olvera, and Elizabeth Reyes-Palacio, Faith in Texas; Mariza Nery and Eliana Palacio, Faith in Texas, RITA; Brandon Gonzalez, Francisco Gonzalez, Maria Gonzalez, Maria Rios, and Felicitas Rivas, FIEL (Familias Inmigrantes y Estudiantes en la Lucha); Fabio Gimenez, First Baptist Church Ministerio Hispano Puertas Abiertas; Aileen Bazan, Grassroots Leadership; Noe Camacho and Rosa Maria Camacho, Iglesia Jesucristo Manantiales De Vida; Nicolas Trejo, Iglesia Riverwood; Jose Munoz, Iglesia de Dios Refugio al Sedinto; Alejandro Gutierrez and Christiane Krejs, Immigrants United; Eva Esparza, Indivisible; Michael Gregory Lewis and Glenn Scott, Left Up To Us; Lupe Mendez, Librotraficante Movement; Cyrus Reed, Lone Star

Chapter Sierra Club; Sylvia Collins and Magali Vazquez, LULAC; Daniel Diaz, Lupe; Susanna Woody, LUTU, Our Revolution Central Texas; Sandra Elias, MT Community Services; Sylvia Roberts, my church; Will Francis and Nakia Winfield, National Association of Social Workers-Texas Chapter; Nancy Cardenas, National Latina Institute for Reproductive Health; Liliana Pierce, Our Revolution; Lee Cameron, People Power ACLU; Bill Sanderson, Pleasant Mound Methodist Church; Maura Benson, Proyecto Defensa Laboral; Robert Heyman, Reform Immigration for Texas Alliance; Marissa Ocampo, Resistance; Kate Lee and Carlos Lira, RITA; Jim Rigby, Saint Andrews Presbyterian Church; C. LeRoy Cavazos, San Antonio Hispanic Chamber of Commerce; Cydney Henderson, San Marcos Unitarian Universalist Congregation; Elaine Betterton, St Andrews Presbyterian Church; John Soto, Student Government of Palo Alto; Jorge Renaud, Texas Advocates for Justice; Rene Lara, Texas AFL-CIO; Cathy Dewitt, Texas Association of Business; Elizabeth Lippincott, Texas Border Coalition; Manny Garcia, Texas Democratic Party; Lupe Torres, Texas LULAC; Harrison Hiner, Texas State Employees Union; Miyah Calhoun, Texas Unitarian Universalist Justice Ministry (TXUUJM); Kolby Duhon and Celia Morgan, Texas Young Democrats; Dwight Harris, Texas AFT; Carisa Lopez, Travis County Democratic Party; John Burleson, Travis County Resistance; Araceli Campos and Maricela Galvan, ULI; Liane Bailey, Andrea Chavez, Ramiro Gonzalez, Sandra Gonzalez, Irving Hernandez, Josue Rodriguez, United We Dream; Andrea Soto and Naomi Tamez, University Leadership Initiative; Jose Hernandez, UWC; Jessica Castilleja, Workers Defense Fund; Virginia Badillo, Maria Guadalupe Capetillo Guzman, Genoveva Castellanos, Mariana Celestino, Robert Delp, Catherine Eisenhower, Karen Escobedo, Arash Frarasat, Juan Garcia, Leonel Garcia, Maximina Garcia, Francisco Guzman, Cristian Huerta, Sofia Morales, Cecilia Ontiveros, Lourdes Ontiveros, Mario Ontiveros, Diana Ramirez, Miguel Tellez, Sameer Tharakan, Emily Timm, Ryan Twomey, Eliseo Vazquez, Workers Defense Project; Angela-Jo Touza-Medina, YWCA Greater Austin, Immigrant Services Network of Austin; and about 291 individuals)

On — Angela Benavides Garza, Austin Texas Woman of God Woman of The United Nations; Kathryn Freeman, Christian Life Commission; Brantley Starr, Office of Attorney General; (*Registered, but did not testify:*

Scott Houston, Texas Municipal League; Andres Castillo; Evan Finley; Denise Gilman; Thomas Parkinson)

DIGEST:

CSSB 4 would prohibit local government entities and campus police from adopting certain types of policies, patterns, or practices that prohibit the enforcement of state or federal immigration law. It would establish a process for handling complaints about violations of these provisions and require law enforcement agencies to comply with federal detainer requests. It also would authorize community outreach policies related to the bill, establish a grant program for local entities, and amend procedures relating to bail bonds in certain cases where lawful presence in the country is an issue. Local entities would include the governing bodies of cities, counties, and special district authorities and divisions, departments, or other bodies that were part of these entities and certain officers and employees of them.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017. It would be the intent of the Legislature that provisions in the act would be severable from each other and that if any provision was found by a court to be invalid, the remaining provisions would not be affected.

Local policies. CSSB 4 would prohibit local entities and campus police departments from adopting or enforcing policies that prohibited the enforcement of state or federal immigration laws and from demonstrating by their patterns or practices that they prohibited the enforcement of immigration laws. Entities and departments could not have a pattern or practice of prohibiting their employees from:

- inquiring into the immigration status of those who were arrested;
- sending certain information about those arrested to, or requesting it from, federal officials,
- maintaining the information or exchanging it with other local entities or campus police departments or federal or state government entities;
- assisting or cooperating with federal immigration officers, if requested and if reasonable and necessary; and

- allowing federal immigration officers to enter and conduct enforcement activities at jails.

Local entities, campus police departments, and their employees could not consider race, color, religion, language, or national origin when enforcing immigration laws, except as allowed by the state or federal constitutions.

These prohibitions on policies would not apply to:

- local hospital or hospital districts created under the Health and Safety Code, hospitals owned or operated by institutions of higher education, and hospitals districts created under Article 9 of the Texas Constitution to the extent that the hospital was providing medical or health care services as required under certain state or federal laws;
- peace officers working for one of the above hospitals or hospital districts or commissioned by a hospital or hospital district;
- local public health departments;
- school districts or open-enrollment charter schools;
- peace officers employed or contracted by a religious organization while employed by the organization; and
- the release of information in the records of an educational agency or institution, except in conformity with federal law governing the privacy of student education records.

When investigating an offense, peace officers could ask about witnesses' or victims' immigration status or nationality only if necessary to investigate the offense or to provide the victim or witness with information about federal visas designed to protect individuals who assisted law enforcement. Peace officers would not be prohibited from conducting separate investigations of other alleged offenses. Officers also would not be prohibited from making such inquiries if there was probable cause to believe the victim or witness committed a separate crime.

Violations, complaints. Complaints that local entities or campus police departments had violated CSSB 4's provisions about policies on immigration enforcement could be filed with the attorney general by

citizens living in a local entity's jurisdiction or citizens enrolled in or employed by a higher education institution. The complaints would have to include facts supporting an allegation that the entity or campus had violated CSSB 4 and a sworn statement from the citizens that to the best of their knowledge, the assertions were true and correct.

Upon determining that a complaint was valid, the attorney general could sue entities or departments in a district court in Travis County or a county where the government entity's office was located to compel compliance with CSSB 4. An appeal of one of these suits would be governed by procedures for accelerated appeals in civil cases.

Local entities or campus police departments that intentionally violated the bill would be subject to civil penalties of \$1,000 to \$1,500 for the first violation and \$25,000 to \$25,500 for subsequent violations. Each day of a continuing violation would count as a separate violation, and courts hearing the cases would determine the penalty. Penalties would go into the crime victims' compensation fund.

Federal detainer requests. The bill would require law enforcement agencies to take certain actions when they had custody of someone subject to a federal request to detain the person. The agencies would have to comply with the federal requests and would have to tell people that they were being held due to a federal immigration detainer request. Agencies would not have to hold people who provided proof that they were U.S. citizens.

CSSB 4 would require the attorney general, if requested, to defend local entities in lawsuits related to the entities good-faith compliance with federal immigration detainer requests. In these cases, the state would be liable for any expenses and settlements.

The bill would create a new crime for certain law enforcement authorities who knowingly failed to comply with immigration detainers. It would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for sheriffs, police chiefs, constables, or others with primary authority for administering a jail to knowingly fail to comply with a federal immigration detainer request. It would be an exception to this

requirement if the person subject to the detainer request had provided proof of U.S. citizenship. A conviction of this offense would be grounds for the immediate removal from office of the official.

CSSB 4 would require that judges took certain actions when a criminal defendant who was subject to a federal immigration detainer request was sentenced to a correctional facility. Judges would have to order the facility to require the defendant to serve up to the last seven days of a sentence in federal custody, following the facility's determination that the change would facilitate the seamless transfer of the defendant into federal custody. Federal officials would have to consent to the transfer.

Community outreach policies. CSSB 4 would allow law enforcement agencies to adopt a written policy requiring the agency to do community outreach to educate the public that peace officers could not inquire into the immigration status of crime victims or witnesses unless certain conditions were met. The officer could make such an inquiry if the officer determined it was needed to investigate the offense or to provide the victim or witness with information about federal visas designed to protect individuals who assisted law enforcement. Policies would have to include outreach to victims of family violence and sexual assault.

Grant program. The governor's criminal justice division would be required to create a grant program to give financial help to cities and counties to offset costs related to enforcing immigration laws or complying with federal requests to maintain custody of someone relating to immigration laws. The division could use any available revenue for the program.

Bonds. The bill would create a new circumstance under which bail bond sureties would not be relieved of their responsibility for those they executed bonds for. The surety's responsibility would not be relieved if the accused were in federal custody to determine the person's lawful presence in the United States.

SUPPORTERS
SAY:

CSSB 4 would enhance public safety by ensuring that local entities were not working under policies or practices that prohibited the enforcement of immigration law and would make sure that local officials worked with

federal authorities to keep dangerous criminals off Texas streets.

Certain cities — sometimes called sanctuary cities — or other local entities could have policies or practices that prohibit law enforcement officers from certain inquiries or actions related to immigration law. In other cases, entities may not be complying with federal requests to hold illegal immigrants who are in local jails until federal authorities can pick them up. CSSB 4 would address these situations by prohibiting policies that work against immigration laws. Texas law enforcement authorities should not be able to choose which laws they enforce, and there should not be even a perception that Texas law enforcement officers are hamstrung from enforcing immigration laws.

CSSB 4 should not affect the vast majority of cities and entities in Texas, most of which report to operate in compliance with the bill.

Local policies. CSSB 4 would enhance public safety by ensuring all law enforcement officers in Texas worked under uniform standards that did not allow them to be restricted from upholding state and federal immigration laws. To comply with the bill, local entities simply would have to refrain from adopting or practicing certain policies. The bill would not take away local entities' control over their law enforcement officers but would ensure all officers could uphold all laws and protect the public. CSSB 4 has several provisions to ensure that it is focused on those who are a danger to the public. It is narrowly drawn to apply to inquiries and information only of those who have been lawfully arrested and not to affect law-abiding people, no matter what their immigration status.

The bill would not authorize officers to stop people solely to enforce immigration laws and would not allow questions about immigration status of those who merely were detained by officers. Instead, it would focus on those who were arrested in order to avoid any potential confusion about its meaning. Texas peace officers would not be required to act as immigration agents, to determine anyone's immigration status, or to deport anyone.

To be subject to the bill's civil penalties, entities would have to have policies that were prohibited by the bill or a "pattern or practice" of the

prohibited actions. The bill would not include language prohibiting policies that "discourage" actions because the term can be vague. CSSB 4 would not include a requirement for entities to formalize their policies because it focuses on policies, patterns, and practices, which would be formalized or discernable. Local entities acting in good faith under policies that do not prohibit these actions or ones with an isolated incident in violation of the bill would not fall under the high bar that would trigger potential sanctions.

CSSB 4 would not harm law enforcement officers' relationships with communities. The bill is focused on those who committed crimes, and dealing appropriately with these offenders would make communities safer for everyone, including immigrants. The bill would restrict inquiries about the immigration status of witnesses and victims and would address concerns about misinformation in communities by authorizing community outreach programs on these topics. The bill would target only criminals, who have a negative impact on our economy. A safer community supports those who contribute positively to our economy.

The bill would include several important exceptions, including ones for hospitals and peace officers working for them, local public health departments, schools, and peace officers working for religious organizations. CSSB 4 would include campus police, as they should work under the same policies as other law enforcement officers. Only the bill's provisions relating to the adoption of policies would apply to campus police departments.

CSSB 4 would not lead to racial or other profiling. The bill explicitly says that entities could not consider race, color, religion, language, or national origin when enforcing immigration laws, except as allowed by state and federal constitutions. Under Texas law, peace officers may not engage in racial profiling, and all law enforcement agencies must have policies prohibiting officers from engaging in racial profiling.

Violations, complaints. Allowing the attorney general to sue entities that violated CSSB 4's provisions about policies would give the law some teeth and provide a way for it to be enforced consistently throughout the state. CSSB 4 would use civil penalties assessed by courts so that the

consequences of violating the bill would fall on the entity adopting the illegal policy. To avoid the civil penalties, entities simply would have to refrain from adopting policies or practices that prohibited the enforcement of immigration laws. CSSB 4 would not cut off state grant funds to local entities that violated the bill, as this could harm individuals and programs with no control over or relationship to the local entity's law enforcement policies.

The bill would establish a procedure for complaints from individuals to be funneled through the Office of the Attorney General so that the same criteria could be applied to each complaint. The bill would require that complaints come from the local jurisdiction where a violation was alleged so that issues would be raised by those most directly affected by a local policies. CSSB 4 would reduce the likelihood of unfounded or frivolous suits being brought by requiring the complaints to include facts supporting an allegation and a sworn statement that the assertions were true.

Federal detainer requests. CSSB 4 would enhance public safety and support the work of federal authorities by requiring law enforcement agencies to honor federal detainer requests. After an arrest, local law enforcement agencies send the arrestees' fingerprints to the FBI, which sends the information to U.S. Immigration and Customs Enforcement (ICE). ICE may make a request that a jail hold inmates suspected of being in the country illegally up to 48 hours after they otherwise would have been released. Not honoring these detainer requests places the public in danger by allowing criminals to return to the community and has resulted in serious crimes committed by individuals subject to detainers. This process would not have to disrupt local criminal prosecutions, and local authorities who are cooperating with ICE would be in a better position to resolve any issues before a defendant was deported.

Complying with detainer requests should not strain resources of local entities, and the bill would establish a grant program that could be used if it did. Some cost estimates use expenses that account for more days than just those an inmate waits to be picked up by ICE after a case is resolved. ICE detainers are for only 48 hours, and ICE reports picking up inmates from Texas jails quickly once a case is resolved, sometimes within a dozen or so hours. Most local entities report complying with detainer

requests now, so CSSB 4 would not increase their costs.

The misdemeanor offense that CSSB 4 would create for sheriffs, police chiefs, and constables who failed to comply with federal detainer requests would be an important enforcement tool. This penalty would be directed at those responsible for not complying with the detainers, so there would be no need to impose other measures such as civil liability for those who released someone under a detainer. The bill would allow those who refuse to comply with detainers to be removed from office so that the non-compliance would cease and the public could be protected.

CSSB 4 contains important safeguards for U.S. citizens and local entities. People who were subject to a detainer but provided proof of citizenship would not have to be held. Honoring the detainer requests is legal and constitutional, and CSSB 4 would allow local entities accused of holding someone in error to turn to the attorney general for legal defense. The bill's requirement would apply only to officially issued ICE detainer requests and would not include verbal requests. The bill also would establish a process for certain inmates under a detainer request and sentenced to correctional facilities. These inmates would be able to complete their sentences in federal custody, thereby relieving local entities of some of the costs of holding inmates under detainer requests.

Community outreach policies. CSSB 4 would support efforts by local law enforcement agencies to educate communities so that victims and witnesses knew that they could call peace officers without fears of their immigration status being an issue. The bill would authorize community outreach policies on this topic and ensure that the policies included victims of family violence and sexual assault.

Grant program. CSSB 4 would support communities and law enforcement agencies by establishing a grant program to offset costs of complying with the bill.

Bonds. CSSB 4 would address unique circumstances surrounding bonds and illegal immigrants by establishing certain circumstances under which bond sureties would not be relieved of liability. In some cases, bond sureties know that a person was under a federal detainer request and

require all or most of the bond money up front. When federal authorities picked up the person, the surety might keep the funds and be relieved of liability because the defendant was in federal custody. CSSB 4 would address these abuses by making bondsmen unable to be relieved of their liability if an individual was in federal custody to determine whether the person was lawfully in the United States. The bill would focus on these narrow circumstance related to lawful presence in the country and would not impact bonding practices for others.

**OPPONENTS
SAY:**

CSSB 4 would interfere with the authority of local law enforcement authorities to set policies for their communities, which could make communities less safe. Immigration law already is being appropriately and adequately addressed in Texas, and local law enforcement agencies work with federal officials to keep their communities safe and to handle undocumented persons.

Local policies. CSSB 4 would undermine local control of Texas law enforcement agencies by restricting the policies local entities could enact. Some may have policies that limit law enforcement officers' questions about immigration or other policies so that officers focus on crimes, not federal immigration law, much of which is civil. Local authorities, not the state, should decide the priorities and actions for local law enforcement officers.

Including campus police in CSSB 4 would infringe on these officials' authority as well. The inclusion of campus police would foster fear and anxiety on Texas campuses. Many immigrant students work hard to earn degrees and make positive contributions to their institutions and the state, and they should feel safe on their campuses.

CSSB 4 could harm the trust and good relationships necessary for law enforcement officers to operate successfully in the community if officers were perceived as enforcing immigration law. Crime victims and witnesses could be less likely to call police or to cooperate with them if they feared that actions could be taken against them or their families, friends, or neighbors for immigration violations. This, in turn, could endanger the community. For example, if a victim of domestic violence who was an illegal immigrant feared calling law enforcement, the

perpetrator could go free and continue to harm others. In some of these cases, victims may not want to see a perpetrator deported. Workers who were not in Texas legally could become robbery targets on pay days and be afraid to draw attention to themselves by reporting the crime.

Limiting questions about immigration status to those arrested, limiting questions that could be asked of witnesses and victims, and authorizing outreach programs would not be enough to counter the effect of CSSB 4 and the perceptions that it would create. The bill could trigger racial profiling or foster fears of profiling. Immigrants in Texas are an important part of the economy, and the state should not impose barriers to their productive participation in it.

Violations, complaints. The civil penalties that could be imposed under CSSB 4 could go too far in penalizing local entities and authorities. Immigration law is complex, and without the necessary expertise, cities, counties, and other entities could struggle to comply with the bill's provisions and state judges could struggle with interpreting federal immigration law. The state simply could set policies in this area without imposing penalties, which would be paid by local taxpayers who may have no direct control over the actions of local authorities.

Federal detainer requests. CSSB 4 would interfere with the authority of local officials to set policies best for their communities by mandating that local law enforcement agencies honor all detainer requests. Federal detainer requests are not mandatory, and questions have been raised about the constitutionality of holding persons without a warrant.

Local authorities including sheriffs, police chiefs, and constables are in the best position to set policies to protect their communities. Some authorities may have concerns about the effect that honoring all detainer requests could have on community members' fears of being deported for reporting crimes or interacting with the police. Local authorities may believe that it is best to have a policy of complying with all detainer requests for those accused of serious or violent crime while reviewing other requests and allowing judges to make decisions about who could be released safely to communities. In 2016, it cost counties millions for inmates who were subject to detainer requests, and honoring all detainees

could have an impact on local resources. Complying with all detainer requests also could interfere with the prosecution of crimes if defendants were released into federal custody before their cases were resolved.

Establishing a new criminal offense for sheriffs, police chiefs, constables, and others who failed to comply with detainer requests and allowing these officials to be removed from office would go too far in infringing on the ability of local officials to set priorities for their communities.

Grant program. While CSSB 4 would create a competitive grant program to offset some of the bill's cost to local entities, there is no guarantee that all entities would receive the support they needed, and without a specific appropriation for the bill, grants would compete with other state programs.

Bonds. CSSB 2 should include language that would require sureties to know that someone was under a federal detainer request before provisions in the bill took effect. Under the bill, a surety could post a bond, and after that, an inmate could be placed under an ICE detainer and taken into federal custody. The surety would not be able to be relieved of liability, even though when the bond was posted, the surety did not know that the inmate would later go into federal custody. If sureties believe that they could be unable to be relieved of their liability, some inmates could find it difficult to obtain bonds, no matter how small an offense or the decision of a judge.

OTHER
OPPONENTS
SAY:

Local policies. CSSB 4 should include a prohibition on adopting policies that prohibit or discourage questions about the immigration status of those who were lawfully detained. Such a policy is necessary so that law enforcement officers are not hamstrung by policies that restrict questioning of those who were lawfully detained and would ensure officers were free to do their job as they considered appropriate.

The bill also should include prohibitions on policies that discouraged the enforcement of immigration law. Without such a prohibition, entities could use informal statements or other unofficial methods to thwart the purpose of CSSB 4.

Entities should be required to formalize all their policies concerning immigration law. This would allow law enforcement officers to know the rules they were operating under and would allow the public to know whether an entity was complying with the law.

Violations, complaints. CSSB 4 should authorize the loss of state grant funds to entities that violated its provisions related to enacting certain policies. Under this type of sanction, a process could be established for complaints to be filed with the attorney general and then for entities to be notified and have a chance to remedy a violation. In such cases when an entity refused to comply with state law after a complaint and notification, denying state grant funds would be an appropriately serious penalty. Complaints from anyone, not just those in a local entity's jurisdiction, should be allowed since violating the bill could harm those living outside of a particular area.

Creating civil liability for entities that released people subject to federal detainers who later committed a felony would give victims of the crime appropriate redress. In these cases, the government entity failed the victim by releasing someone who should have been held, and the entity should be held accountable. Another appropriate penalty to hold individuals responsible for upholding the law would be a misdemeanor criminal offense for officials who intentionally or knowingly violated the bill's provisions about adopting policies.

NOTES: The fiscal note on CSSB 4 reports no significant fiscal implication for the state to administer the bill, except for indeterminate costs and revenue gains associated with the grant program that would be established by the bill and the civil penalties that could be assessed under the bill.

The committee substitute made numerous changes to the Senate version of CSSB 4, including removing provisions:

- denying state grant funds to entities found in violation of the bill's provisions about the adoption of policies;
- prohibiting entities from adopting policies that discouraged the enforcement of immigration laws;
- prohibiting entities from barring or discouraging questions about

- the immigration status of those who are under lawfully detention;
- creating civil liability for entities that under certain circumstances released from custody someone who was the subject of a federal immigration detainer;
- allowing peace officers to take certain actions to enforce federal immigration laws if acting at the request of or providing assistance to federal officers or under an agreement with the federal government and certain circumstances are met;
- creating a misdemeanor offense for elected local officials and those appointed by local entities who violated the bill's provisions relating to not adopting certain policies; and
- requiring law enforcement agencies to formalize any unwritten or informal policies relating to immigration laws and to make their policies consistent with the bill.

The committee substitute also added several provisions, including ones:

- requiring law enforcement agencies to inform persons if they were being held due to a federal immigration detainer request;
- making local entities' patterns and practices a way to determine non-compliance with the bill;
- describing when there could be certain questions asked of victims and witnesses, including when the information was necessary to investigate an offense or to provide information about protection to victims and witnesses;
- authorizing complaints to the attorney general about violations of the bill from citizens in the jurisdiction of the local entity, rather than from any person;
- creating a misdemeanor offense for sheriffs, chiefs of police, and constables who fail to honor immigration detainers;
- requiring the attorney general to defend local entities sued due to good-faith efforts to comply with federal detainer requests;
- relating to surety bonds; and
- creating a grant program to assist local entities.

SUBJECT: Requiring procedures for special education students who fail STAAR

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Huberty, Bernal, Allen, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

1 absent — Bohac

WITNESSES: For — Steven Aleman, Disability Rights Texas; Janna Lilly, Texas Council of Administrators of Special Education; Kyle Piccola, The Arc of Texas; (*Registered, but did not testify*: Audrey Young, Apple Springs ISD Board of Trustees; Mark Wiggins, Association of Texas Professional Educators; Robert McLain, Channing ISD; Chris Masey, Coalition of Texans with Disabilities; Grace Chimene, League of Women Voters of Texas; C. LeRoy Cavazos-Reyna, San Antonio Hispanic Chamber of Commerce; Heather Sheffield, Texans Advocating for Meaningful Student Assessment; Ted Melina Raab, Texas AFT (American Federation of Teachers); Jesse Romero, Texas Association for Bilingual Education; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Mark Terry, Texas Elementary Principals and Supervisors Association; Yannis Banks, Texas NAACP; Ellen Arnold, Texas PTA; Colby Nichols, Texas Rural Education Association; Dee Carney, Texas School Alliance; Portia Bosse, Texas State Teachers Association; Tami Keeling, Victoria ISD, TASB; Danielle King)

Against — None

On — (*Registered, but did not testify*: Kara Belew and Gene Lenz, Texas Education Agency)

BACKGROUND: A student's eligibility for special education services and most major decisions about the program are made by an admission, review, and

dismissal (ARD) committee required under the federal Individuals with Disabilities Education Act. Members may include the student, parents, at least one of the student's regular education and special education teachers, a school representative, and a person who can interpret the child's evaluation results and instructional needs. Education Code, sec. 29.005 requires the committee to develop the child's individualized education program.

Education Code, sec. 28.0211 governs the Student Success Initiative (SSI), which requires students in grades 5 and 8 to perform satisfactorily on state-mandated assessments (i.e., STAAR exams) in reading and mathematics before being promoted to the next grade level. This section prescribes a process through which a student is required to retest and receive accelerated instruction before being retained or promoted. Under Sec. 28.0211(i), the ARD committee of a student served by special education determines whether a student who has not met the standard on the STAAR reading and/or mathematics exams will be promoted or retained and the manner of instruction the student must receive under SSI.

Students who fail to meet the standard on any STAAR exam administered in grades 3-8 also are required to receive accelerated instruction under SSI, although performance on assessments other than reading and mathematics in grades 5 and 8 are not tied to automatic grade-level retention.

DIGEST: CSHB 657 would require the admission, review, and dismissal (ARD) committee of a student served by special education who had not demonstrated satisfactory performance on the state reading and/or mathematics assessments to meet before the student was administered the exam a second time.

The bill would allow the committee to promote the student to the next grade level if it concluded that the student had made sufficient progress in the measurable academic goals contained in the student's individualized education program. The student would not be required to retake the exam if he or she was promoted in this manner.

Not later than September 1 of each school year, the bill would require the

school district to notify the parent or person standing in parental relation to the student served by special education of the ARD committee's options for promoting the student and prescribing accelerated instruction if he or she did not perform satisfactorily on a state exam.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSHB 657 would prevent unnecessary retesting of fifth graders and eighth graders in special education programs who do not pass their STAAR reading and math exams. Current law requires the ARD committee to determine how Student Success Initiative (SSI) requirements, such as those related to retesting and promotion or retention in grades 5 and 8, should apply to each student served by special education based on his or her individualized needs, but parents may be unaware of this provision.

The bill would help ensure students received appropriate services while providing valuable information to parents by requiring the ARD to meet before the student's second attempt to pass STAAR and decide if the student had met yearly goals contained in his or her individualized education program. For instance, a fifth grader in a special education program might have made considerable gains in reading ability during the school year but still not be reading at grade level due to a disability or special circumstance. Requiring these students to be repeatedly retested due to SSI requirements can become so stressful that it results in some dropping out of school.

If the ARD committee determined that a particular student served by special education was close to passing an exam, it could decide that retesting was appropriate. The bill would put decision-making on retesting and instructional matters where it belongs — in the hands of parents, teachers, and therapists who best know the student's abilities.

The bill would not lower standards for students with disabilities, who would continue to be assessed annually with appropriate exams in grades 3 through 8 as required by federal and state law. Federal law does not compel the use of state assessments for student promotion purposes.

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OPPONENTS
SAY: No apparent opposition.

NOTES: According to the Legislative Budget Board, CSHB 657 would reduce local school district administrative and testing costs for any student who was promoted and no longer had to retest in grades 5 and 8.

SUBJECT: Establishing clinical care and research center for combat-related PTSD

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson
0 nays

WITNESSES: For — Nancy Dickinson; (*Registered, but did not testify*: Ricardo Lopez-Guerra, Boeing Aerospace; Lauren Kreeger, League of Women Voters of Texas; Christine Yanas, Methodist Healthcare Ministries; Jim Brennan, Texas Coalition of Veterans Organizations; James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; Michelle Romero, Texas Medical Association; Denise Rose, Texas Occupational Therapy Association)

Against — None

On — Katherine Dondanville, Paul Fowler, and Stacey Young-McCaughan, UT Health San Antonio

DIGEST: CSHB 2571 would require the board of regents of The University of Texas System (UT) to establish the National Center for Warrior Resiliency at The University of Texas Health Science Center at San Antonio (UTHSCSA). The center would research issues regarding the detection, prevention, diagnosis, and treatment of combat-related post-traumatic stress disorder and comorbid conditions. The center also would provide clinical care to enhance the psychological resiliency of military personnel and veterans.

The UT System's board would employ the center's staff, provide the center's operating budget, and choose a site for the center at UTHSCSA. An employee of the center would be a UT System employee.

The bill would allow the board to solicit, accept, and administer gifts and grants from any public or private source for the center's use and benefit.

The center could collaborate with public and private entities, including institutions of higher education, the U.S. Department of Veterans Affairs and Department of Defense, and the National Institutes of Health, to perform the center's research functions.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSHB 2571 would establish the National Center for Warrior Resiliency at The University of Texas Health Science Center at San Antonio (UTHSCSA) as a way to increase research on preventing and treating combat-related post-traumatic stress disorder (PTSD). UTHSCSA currently provides three- to four-week treatment programs for PTSD within its South Texas Research Organizational Network Guiding Studies on Trauma and Resilience (STRONG STAR) Consortium. Authorizing the UT System's board to seek funding from public and private entities would help UTHSCSA expand its clinical trials and treatment studies and provide training for health care providers who interact with active military members and veterans suffering from PTSD.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

CSHB 2571 differs from the bill as filed in that the committee substitute would require the University of Texas Board of Regents, rather than UTHSCSA, to establish and operate the National Center for Warrior Resiliency.

SUBJECT: Excepting from public disclosure certain computer security information

COMMITTEE: Government Transparency and Operation — committee substitute recommended

VOTE: 7 ayes — Elkins, Capriglione, Gonzales, Lucio, Shaheen, Tinderholt, Uresti

0 nays

WITNESSES: For — Troy Alexander, Texas Medical Association; (*Registered, but did not testify*: Jeff Bonham, CenterPoint Energy, Inc.; TJ Patterson, City of Fort Worth; Jesse Ozuna, City of Houston Mayor's Office; Justin Yancy, Texas Business Leadership Council; John Dahill, Texas Conference of Urban Counties; Nora Belcher, Texas e-Health Alliance; Zindia Thomas, Texas Municipal League)

Against — None

On — (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas; Claudia Escobar, Office of the Attorney General)

BACKGROUND: Government Code, sec. 552.139 excepts from disclosure under public information laws information that relates to computer network security, restricted network information, or to the design, operation, or defense of a computer network.

Sec. 2261.253 requires each state agency to post on its website every contract the agency enters into with a private vendor for the purchase of goods or services.

Business and Commerce Code, sec. 521.053 defines a breach of system security as the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person. An entity is required to disclose as soon as possible to the owner of sensitive personal information

if it was, or is believed to have been, acquired by an unauthorized person.

DIGEST: CSHB 1861 would make information from a governmental body's routine efforts to prevent, detect, or investigate a computer security incident, including information contained in or derived from an information security log, confidential for the purposes of public information laws.

A state agency would be required to redact information made confidential by or exempted from required public disclosure under Government Code, sec. 552.139 from a contract posted on the agency's website. The availability of the redacted information would be governed by existing public information laws. Under the bill, sensitive personal information related to a breach of system security would not be considered confidential information.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY: CSHB 1861 would expand the definition of protected information not subject to disclosure under public information laws, reassert that the public maintains the right to know when a security breach has occurred, and clarify that information related to computer security that is made confidential by law and excepted from required public disclosure must be redacted from the public posting of governmental body contracts.

Although current law exempts from public disclosure information related to computer network security, it is unclear whether security incident alert logs are covered. These logs are stored to troubleshoot operational issues and assist in assessing and discovering security incidents. They may contain information that could be used to identify weaknesses in computer systems or personally identifiable information. Currently, in response to a request for information, government personnel often have to go through thousands of pages to redact sensitive information, expending resources and making it difficult to respond in a timely manner. Further, there is limited public use for this information, and it could provide an advantage to a hacker or criminal. By excluding these logs and reports from release, the bill would ensure that sensitive information remained protected.

The bill would not create a new exception under public information laws but rather clarify that information already deemed confidential is exempted from disclosure. Additionally, the bill would not affect disclosure of information in the event of a breach of system security, reaffirming that the public has a right to know when an incident occurs.

OPPONENTS
SAY:

Although CSHB 1861 would protect the privacy of individuals, it is important that any legislation that would protect information from public disclosure is not so sweeping that it keeps too much information off limits from the public.

SUBJECT: Prohibiting appraisers from requiring reapplication for certain exemptions

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 10 ayes — D. Bonnen, Y. Davis, Bohac, Darby, Murphy, Murr, Raymond, Shine, Springer, Stephenson

0 nays

1 absent — E. Johnson

WITNESSES: For — (*Registered, but did not testify*: Cheryl Johnson and Sheryl Swift, Galveston County Tax Office; Daniel Gonzalez and Julia Parenteau, Texas Association of REALTORS; Felicia Wright, Texas Association of Builders)

Against — None

On — Laurie Mann, Comptroller of Public Accounts

BACKGROUND: Tax Code, sec. 11.131 provides an exemption from homestead taxation for veterans who receive 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or individual unemployability.

Sec. 11.43(c) provides that an exemption under sec. 11.131, once allowed, does not need to be claimed in subsequent years unless the chief appraiser requires a person to file a new application confirming that the person still qualifies for the exemption. Chief appraisers may not cancel an exemption for a person who is 65 or older who did not reapply unless certain notice is provided.

DIGEST: HB 1101 would prohibit chief appraisers from requiring veterans who claimed homestead tax exemptions under sec. 11.131 to reapply for qualification if they had a permanent total disability as determined by the U.S. Department of Veterans Affairs.

The bill would take effect January 1, 2018.

**SUPPORTERS
SAY:**

HB 1101 would relieve veterans with a permanent total disability of a cumbersome burden and make it easier for them to receive the exemptions to which they are entitled and stay in their homes. In order for a veteran to be 100 percent disabled, a doctor must certify that the veteran will never recover from his or her injuries, making annual reapplication unnecessary. The bill would remove the reapplication requirement for veterans with a permanent total disability, streamlining the process of maintaining an exemption.

The bill would send a clear message that Texas honors its veterans. Veterans with a permanent total disability have made great sacrifices to preserve the security and quality of life of Texans, and requiring them to reapply to certify their disabilities is inappropriate.

The risk of fraud associated with this bill would be negligible. Disabled veterans and their families should be trusted to notify local tax assessors of a change in exemption. Also, the potential for fraud already exists for totally disabled veterans over the age of 65 whose exemptions may not be cancelled immediately if they do not reapply, so the bill would not create a unique risk. Concerns about the cost of managing changes in ownership are unwarranted. Most appraisal districts already retain resources to mitigate fraud and oversee changes in home ownership, so the bill would not cause them to incur additional costs.

**OPPONENTS
SAY:**

HB 1101 could create a potential for fraud in the homestead tax exemption system because it would restrict the ability of local appraisers to monitor changes in home ownership and disability status. Appraisal districts use tools such as the Veterans' Affairs Certificate of Eligibility to certify that veterans are entitled to an exemption in this state, and the bill would remove their authority to request such a letter to verify a veteran's continuing eligibility. Also, if a qualifying veteran were to move or pass away without an official deed transfer, the appraiser would not be able to certify the exemption was being used as intended, and this could represent a cost to taxpayers.

While it is unlikely that someone with a 100 percent disability rating will

recover, advances in medicine and technology make it possible, so appraisers still should be allowed to request recertification to ensure that exemptions are claimed only by those entitled to them. Also, most appraisal districts do not require disabled veterans to reapply annually, and those that do often provide envelopes, stamps, an e-mail option, or personal delivery to ease the burden.

NOTES: According to the Legislative Budget Board's fiscal note, HB 1101 could create an indeterminate cost to the state through school finance formulas in instances when a change in property ownership that removed the property's eligibility for the exemption went unnoticed by the appraisal district.

SUBJECT: Changing restrictions on the investment of certain public funds

COMMITTEE: Investments and Financial Services — committee substitute recommended

VOTE: 6 ayes — Parker, Stephenson, Burrows, Dean, Holland, Longoria
0 nays
1 absent — E. Johnson

WITNESSES: For — Jay Propes, Fidelity Investments; Greg Warner, First Southwest, Hilltop Securities; (*Registered, but did not testify*: Jack Roberts, Bank of America; Kari Torres, CPS Energy; Brandon Aghamalian, Denton Municipal Electric; Dale Laine, Federated Investors; Tom Oney, Lower Colorado River Authority)

Against — (*Registered, but did not testify*: Dolores Ortega Carter, County Treasurers of Texas)

On — Stephen Scurlock, Independent Bankers Association of Texas; Michael Clayton, State Auditor's Office; (*Registered, but did not testify*: Piper Montemayor, Comptroller of Public Accounts; Hillary Eckford, State Auditor's Office)

BACKGROUND: The Public Funds Investment Act (Government Code, ch. 2256) governs the investment of funds held by state agencies, local governments, nonprofits acting on behalf of local governments or state agencies, and investment pools acting on behalf of multiple entities already covered by the act.

DIGEST: CSHB 1003 would change certain requirements relating to the investments in which a public entity covered by the Public Funds Investment Act (PFIA) could invest.

The bill would allow an entity to invest in interest-bearing banking deposits that were guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

CSHB 1003 would change the requirements that apply to market funds in which public entities could invest. It would require any money market fund to comply with SEC rule 2a-7, instead of requiring the funds to both have a weighted average maturity of no more than 90 days and aim to have a stable net asset value of \$1 per share.

Alternatively, a position in a money market fund either would be required to have a duration of one year or more and be invested only in obligations approved by the PFIA or to have a duration of less than one year and be limited to investment grade securities, excluding asset-backed securities. These provisions would replace current law requiring the fund to be continuously rated AAA by at least one nationally recognized investment rating firm and to conform to certain requirements relating to investment pools.

CSHB 1003 would require eligible investment pools to provide to the public entity the pool's policy on holding deposits in cash. Instead of being required to receive a AAA rating from at least one nationally recognized service, the pool would be required to be rated no lower than the highest liquidity rating given to U.S. Treasury obligations.

While current law requires eligible investment pools to sell assets if the price-to-book ratio varies by more than half a percent, CSHB 1003 would require this action to be taken only if it did not result in any dilution or unfair result to existing participants.

The bill would allow certain public entities and all state agencies to engage in certain hedging transactions, as long as the transactions complied with federal regulations and did not have a term length longer than five years.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would only apply to investments made on or after that date.

SUPPORTERS

CSHB 1003 would fix a variety of problems relating to restrictions on

SAY: public investments, many caused by recent changes in federal regulation.

Net asset value (NAV). Currently, the Public Funds Investment Act (PFIA) prohibits investment in certain money market funds that do not attempt to keep a static \$1 NAV. However, SEC rule 2a-7, adopted in 2014, requires prime money market funds, which primarily invest in corporate debt securities, to have a floating NAV. This means that the PFIA now unintentionally prohibits investment in prime money market funds, which CSHB 1003 would resolve. These investments have been allowed in the past, and there is no reason to continue the unintentional prohibition now.

Ratings. The bill would address a possible situation in which U.S. Treasury bonds were downgraded. The PFIA requires eligible money market funds and investment pools to be rated AAA. However, it is possible for Treasury bonds to be downgraded, and without AAA-rated Treasury bonds, investment pools and money market funds would not be able to keep a AAA rating. By requiring funds and investment pools instead to have the highest liquidity rating given to Treasury obligations, the bill would ensure that PFIA did not unintentionally prohibit investments by public entities in common and low-risk money management tools.

Sales required by price-to-book threshold. CSHB 1003 also would allow investment pools flexibility to make the best decisions for their participants. Current law obligates the governing body to sell assets to maintain a price-to-book ratio of around 1.000, but this can result in losses to principal, even if the change in the price-to-book ratio is clearly temporary. The bill would give investment pools this flexibility only as necessary to reduce possible dilution or unfairness to existing participants.

Hedging transactions. The bill would give some entities much-needed authority to enter into hedging transactions. Current law allows municipal utilities to enter into these types of contracts, and this bill would give some state agencies that same ability, reducing the impact of price volatility and improving their ability to anticipate costs. The bill would limit this authority to large entities such as state agencies and large municipalities, which would be expected to have the knowledge to

properly evaluate these transactions.

OPPONENTS
SAY:

CSHB 1003 could allow entities to unknowingly increase the risk to their fiscal stability. The Legislature should be mindful of the ability of each entity to evaluate the financial instruments in which the PFIA allows investments.

Net asset value. NAV is an important metric used by investment officers of public entities to judge the quality of money market funds and limit the risk involved. The Legislature does not need to remove this limitation and allow investments in prime money market funds.

Sales required by price-to-book threshold. Under CSHB 1003, investment pools could allow deviations greater than one-half of one percent of the price-to-book ratio. While current law could cause losses to principal, the requirement exists so that those losses are limited. Allowing larger deviations could increase the risk to public entities.

Hedging. The bill could allow some entities to enter into agreements they did not understand. Many entities do not have the expertise to evaluate sophisticated financial agreements, and they unintentionally could violate bond covenants or other restrictions.

SUBJECT: Obtaining certain information held by crime victims compensation fund

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Moody, Hunter, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Canales

WITNESSES: For — Aaron Setliff, The Texas Council on Family Violence; (*Registered, but did not testify*: Jennifer Tharp, Comal County Criminal District Attorney; Katija Gruene, Green Party of Texas; Tiana Sanford, Montgomery County District Attorney's Office; Vincent Giardino, Tarrant County Criminal District Attorney's Office; Chris Kaiser, Texas Association Against Sexual Assault)

Against — Ed Heimlich, Honor Quest

On — Kristen Huff, Attorney General Crime Victims' Compensation Program

BACKGROUND: Code of Criminal Procedure, ch. 56 governs the Crime Victims' Compensation Fund, which awards financial assistance to victims of violent crime for certain expenses not reimbursed by insurance or other sources. Revenue for the fund includes criminal court costs, fees, and fines. The program is administered by the Office of the Attorney General.

Government Code, ch. 552 is the state's Public Information Act. Under sec. 552.132(b), certain information held by the crime victim's compensation program is confidential, including a crime victim's name, Social Security number, address, telephone number, and any other identifying information of the victim or person making a claim. If compensation is awarded, the name of the victim or claimant and the amount of compensation awarded are public information.

DIGEST: CSHB 2387 would establish when applications for compensation from the

crime victims compensation fund and related documents could be released under the Public Information Act and when this information would be subject to disclosure, discovery, or subpoena related to legal proceedings.

Applications for compensation and related documents would be exempt from disclosure under the Public Information Act, except for current law requirements that when an award is made, the name and amount are public information.

Applications and related documents would not be subject to disclosure, discovery, or subpoena unless conditions in the bill were met. The attorney general could release this information only:

- by court order, for good cause shown, if the order included a finding that the information was unavailable from other sources;
- with consent of the victim, claimant, or person who provided the information to the attorney general;
- to an employee of the attorney general;
- to another crime victims' compensation program;
- to someone authorized by the attorney general to conduct an audit, review applications, prevent or punish fraud, or to handle subrogation and restitution issues;
- as necessary to enforce the statute, including presenting an application or information in a court; or
- in response to a subpoena issued in a criminal proceeding that requests an application, subject to certain conditions.

In response to a subpoena in a criminal proceeding that requested an application, the attorney general would be required to release only the official application after redacting the name, Social Security number, address, or telephone number of a crime victim or claimant and any other information that could identify victim or claimant. The release of the application would not affect a court's authority to order the release of additional information.

The bill would take effect September 1, 2017, and would apply only to requests for information received on or after that date.

SUPPORTERS
SAY:

CSHB 2387 would improve the privacy protection given to crime victims who use the state's Crime Victims' Compensation Fund. Victims can apply to the fund for reimbursement for crime-related expenses that are not paid by other sources. These can include counseling expenses, medical bills, relocation expenses, funeral costs, and more. The fund is administered by the attorney general's office, and victims must submit an application and extensive documentation of the expenses to the office when applying for compensation.

While victims' names and other identifying information held by the fund are confidential under the state's Public Information Act, other information can be obtained by using a subpoena issued during routine discovery in civil or criminal litigation. For example, a defendant standing trial for sexual assault might try to obtain the victim's medical records, or someone suing an insurance company might want to access medical records held by the fund.

This method of obtaining information is increasing in use and can result in sensitive information being released. The detailed documentation of expenses can include doctors' notes, descriptions of an offense, counseling notes, and victims' addresses and phone numbers. Having this information released can infringe on victims' privacy, re-victimizing them and making them feel vulnerable and unsafe.

The bill would balance victims' privacy with the needs of the legal process to obtain certain information and the goals of open records laws. The bill would establish a uniform, fair process for those seeking the information, and, if appropriate, courts could order the information released. Those legitimately needing information for a legal proceeding could obtain information through this process. The requirement for a court order to release information would help prevent unneeded, excessive, or highly sensitive information from being released, as can happen now. The bill would limit information released through a criminal proceeding that requested an application by redacting personal information but also would allow the disclosure of additional information if ordered by a court.

The bill would not be a significant departure from current state policy that

allows sensitive information held by the fund to be kept confidential while making awards public. It would not decrease transparency because when awards from the fund were made, the amount and the victim or claimant would still be public. In addition, information could be released for audits and fraud investigations. Other information would continue to be accessible, once the conditions in the bill were met.

**OPPONENTS
SAY:**

The state should be cautious about restricting public information when the government is paying out public funds to private individuals. Restricting information can reduce transparency and make it more difficult to uncover fraud or other information.

NOTES:

A companion bill, SB 843 by Perry, was approved by the Senate on March 29 and referred to the House Criminal Jurisprudence Committee on April 18.

The committee substitute added provisions relating to subpoenas issued in criminal proceedings.

SUBJECT: Removing certain requirements on the sale of a school district's property

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

WITNESSES: For — Colby Nichols, Texas Rural Education Association; (*Registered, but did not testify*: David D. Anderson, Arlington ISD Board of Trustees; Seth Rau, San Antonio ISD; Barry Haenisch, Texas Association of Community Schools; Daniel Gonzalez and Julia Parenteau, Texas Association of REALTORS; Amy Beneski, Texas Association of School Administrators; Dax Gonzalez, Texas Association of School Boards; Tracy Ginsburg, Texas Association of School Business Officials; Curtis Culwell, Texas School Alliance)

Against — None

On — (*Registered, but did not testify*: Eric Marin, Texas Education Agency)

BACKGROUND: Under Local Government Code, sec. 272.001(a), a political subdivision must follow certain procedures when selling property that include providing notice in a local newspaper on the land for sale and initiating a bidding process. In *Collins v. County of El Paso (1997)*, the Eighth Texas Court of Appeals held that school districts may not convey public land for less than fair market value, which is required under sec. 272.001.

Education Code, sec. 11.154(c) allows a school district to use a licensed real estate broker or salesperson for assistance in acquiring or selling real property.

DIGEST: HB 2611 would allow school districts to sell property without complying with current bidding and notice requirements when selling it through a licensed real estate broker.

After 30 days of listing the property with a multiple-listing service (MLS) through a broker, the school district could accept the highest cash offer from a willing and able buyer who was produced by any broker using the MLS.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 2611 would allow school districts to forego the long and arduous bidding and notice process when selling property through a licensed realtor, which could lead to more exposure and better offers. The current requirements for bidding and posting notice can be burdensome to smaller, rural school districts because there may not be many potential, local buyers, and notices in a local newspaper may not garner the same level of exposure as a multiple-listing service provide by a realtor.

The bill would allow for more local control over the selling process, providing more options to school districts. Districts still could sell their property through the regular bidding and notice process if they wished but would have more options based on their needs.

Cities and counties already may use a realtor to sell property to a willing and able buyer with the highest bid if they cannot find a buyer who will pay fair market value after 30 days. This bill simply aligns school districts with an alternative used by other local governments.

HB 2611 would allow a school district to sell property for the highest cash offer, regardless of fair market value. There are some properties that might never sell for fair market value, and continuing with the bidding and notice process for these properties would add unnecessary expense.

**OPPONENTS
SAY:**

No apparent opposition.

SUBJECT: Funding for school districts that annex academically unacceptable districts

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

WITNESSES: For — (*Registered, but did not testify*: Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Dax Gonzalez, Texas Association of School Boards; Tracy Ginsburg, Texas Association of School Business Officials; Colby Nichols, Texas Rural Education Association; Curtis Culwell, Texas school alliance; Christy Rome, Texas School Coalition)

Against — None

On — (*Registered, but did not testify*: Von Byer and Leonardo Lopez, Texas Education Agency)

BACKGROUND: Education Code, sec. 13.054 gives the Commissioner of Education authority to order annexation to one or more adjoining districts of a school district that has been rated academically unacceptable for two years. Sec. 13.054(f) requires state Tier 1 funding be adjusted for the enlarged district for five years beginning with the school year in which the annexation occurs. Funding is adjusted using a multiplier that takes into consideration the number of students residing in the enlarged district before and after annexation.

Education Code, ch. 13, subch. G, allows school districts created after August 22, 1963, through consolidation to qualify for incentive aid payments from the state for up to 10 years.

DIGEST: HB 3722 would apply funding adjustments to property-wealthy districts ordered by the Commissioner of Education to annex an adjoining district that had been rated academically unacceptable for two years. For five

years beginning with the school year in which the annexation occurred, the additional funding would be determined by multiplying the lesser of the enlarged district's local fund assignment computer under Education Code, sec. 42.252 or the enlarged district's total cost of Tier 1 by a fraction, the numerator of which was the number of students residing in the territory annexed to the receiving district before the annexation and the denominator of which was the number of students residing in the enlarged district on the date of annexation.

The commissioner instead could authorize a district to receive incentive aid payments provided by Education Code, ch. 13, subch. G, governing incentive aid payments, if the commissioner determined that would result in greater payments for the district. Such a determination would be final and not appealable.

Funding provided under either of the bill's provisions would be in addition to other funding the district received through other provisions of the Education Code, including chapters 41 and 42. The commissioner could adopt rules to implement the bill.

This bill would take effect September 1, 2017, and would apply to annexations that occurred after that date.

**SUPPORTERS
SAY:**

HB 3722 would make certain property-wealthy districts that annexed low-performing districts eligible for funding adjustments to help with costs related to the annexation. Current law provides annexation incentive funding only for districts that receive Tier 1 state funding under Education Code, ch. 42. Districts subject to the wealth-equalization provisions under Education Code, ch. 41 do not receive Tier 1 state funding. The bill would give the Commissioner of Education the ability to authorize the greater of annexation or consolidation incentives, regardless of whether the district was funded under chapter 41 or 42.

In recent years, the commissioner has ordered property-wealthy districts to annex adjoining districts that have failed to meet state financial and academic accountability standards. The newly enlarged district may experience unexpected costs to fix neglected schools and provide additional instruction to struggling students. The incentive funding

provided under HB 3722 could help with some of those costs.

While some contend the bill's incentive funding should be applied retroactively to help districts that were subject to annexation orders in recent years, such a change could result in unanticipated costs to the state budget for fiscal 2018-19.

**OPPONENTS
SAY:**

HB 3722 should apply retroactively to annexations that occurred before September 1, 2017. This expansion of the bill's funding requirements could help Texas City ISD, which was ordered by the state to annex low-performing La Marque ISD beginning in the 2016-17 school year and is facing unexpected costs from the forced annexation, even as it is required under state school finance laws to send away millions of local tax dollars through recapture. Funding adjustments could help make needed safety repairs to inherited school buildings and meet the high academic needs presented by many newly acquired students.

SUBJECT: Expunging certain alcohol-related arrests of minors

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 7 ayes — Kuempel, Frullo, Geren, Goldman, Herrero, Paddie, S. Thompson

0 nays

2 absent — Guillen, Hernandez

WITNESSES: For — (*Registered, but did not testify:* Justin Keener, Doug Deason; Ellen Arnold, Texas PTA; Thomas Parkinson)

Against — None

BACKGROUND: Alcoholic Beverage Code, sec. 106.12 allows an individual who was convicted of an alcohol-related offense as a minor to apply to have that conviction expunged if the individual did not have any other convictions of an alcohol-related offense as a minor.

DIGEST: HB 2059 would allow an individual who was arrested for no more than one alcohol-related offense as a minor and who was not convicted to apply to have the record of the arrest expunged. If a court found that the applicant had not been arrested for any other alcohol-related offense while a minor, the court would issue an order of expunction for complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation.

The bill also would include prosecutorial and law enforcement records among the records to be expunged for minors who were convicted and eligible for an expunction under current law.

The bill would take effect September 1, 2017, and would apply to the expunction of records of a conviction or arrest made before, on or after that date.

**SUPPORTERS
SAY:**

HB 2059 would resolve an inequity under current law in which getting an expunction is easier for someone who was convicted of a crime than it is for someone who was merely arrested. The expunction available under the Alcoholic Beverage Code is less costly and time-consuming than the procedures available under the Code of Criminal Procedure. As written, however, the Alcoholic Beverage Code expunction is only available to individuals who were convicted of an offense, not to those who were arrested or charged without being convicted. As a result, those who were never convicted of a crime must spend more time and money filing under the Code of Criminal Procedure than those who were convicted and eligible to use the Alcoholic Beverage Code provision.

The bill would place reasonable restrictions on who could apply for an expunction by restricting eligibility to a person with a single arrest under the Alcoholic Beverage Code as a minor. These restrictions would ensure that while deserving individuals received a chance to rehabilitate, information about a person who had a track record of alcohol-related incidents with authorities still would be available to law enforcement and prosecutors in subsequent interventions or prosecutions.

**OPPONENTS
SAY:**

No apparent opposition.

SUBJECT: Changing requirements and reporting of state employee emergency leave

COMMITTEE: General Investigating and Ethics — committee substitute recommended

VOTE: 7 ayes — S. Davis, Moody, Capriglione, Nevárez, Price, Shine, Turner

WITNESSES: For — (*Registered, but did not testify*: Anthony Gutierrez, Common Cause Texas; Joanne Richards, Common Ground for Texans; Carol Birch, Public Citizen Texas)

Against — None

On — Rob Coleman, Comptroller of Public Accounts; (*Registered, but did not testify*: Verma Elliott, State Auditor's Office)

BACKGROUND: Government Code, sec. 661.902 allows a state employee to take emergency paid leave in the case of a death in the employee's family or if the administrative head of an agency determines that an employee has shown "good cause" for taking emergency leave.

DIGEST: CSHB 578 would adjust the conditions under which a state employee may be granted emergency leave or paid investigative leave.

Emergency leave. In cases not pertaining to a death in an employee's family, the bill would require the administrative head of an agency to grant emergency leave to an employee if the employee requested it and the administrative head determined that the employee had shown good cause for taking the leave. The bill also would require that the administrator believed in good faith that the employee would return to work at the end of the leave period.

The bill would not require an employee to request emergency leave if the agency head closed the agency due to weather conditions or holiday observance.

Investigative Leave. The bill would allow the administrative head of an agency to grant paid leave to a state employee subject to an investigation

conducted by the agency. The employee under investigation could not receive leave for that reason under any other provision of ch. 661, subch. Z, which includes emergency leave and other miscellaneous leave provisions.

The bill also would require an agency to submit a report by the last day of each quarter to the comptroller and Legislative Budget Board that included the name of each agency employee granted 168 hours or more of investigative leave during that fiscal quarter and a brief statement explaining why the employee remained on leave.

Leave reporting. The bill would require the comptroller to adopt a uniform system for use by each state agency in reporting employee leave, which would include standardized accounting codes for each type of leave.

This bill would take effect September 1, 2017, and would apply to a grant of leave made on or after that date.

**SUPPORTERS
SAY:**

CSHB 578 would address vague wording that governs the use of emergency leave by state agencies. In 2016, an investigation by the State Auditor's Office revealed that state agencies were improperly using emergency leave to pay employees for non-emergencies. This included the use of emergency leave as a form of severance, which is prohibited by the Texas Constitution.

The bill would provide specific language to prevent abuse of emergency leave and more responsibly monitor the stewardship of taxpayer funds. It also would strengthen government accountability by standardizing reporting procedures for leave granted by agencies and by creating a uniform system for the comptroller to aggregate the reporting data.

**OPPONENTS
SAY:**

No apparent opposition.

SUBJECT: Extending the terms of groundwater exporting permits

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Larson, Phelan, Ashby, Kacal, T. King, Lucio, Nevárez, Price
0 nays
3 absent — Burns, Frank, Workman

WITNESSES: For — Bob Harden, Texas Association of Groundwater Owners and Producers; Hope Wells, Texas Water Conservation Association and San Antonio Water System; (*Registered, but did not testify*: Buddy Garcia, Aqua Texas; Heather Harward, Brazos Valley GCD; Kent Satterwhite, Canadian River Municipal Water Authority; Tara Snowden, Capitol Aggregates, Inc.; Claudia Russell, Central Texas Regional Water Supply Corporation; Megan Dodge, City of San Antonio; Ed McCarthy, Fort Stockton Holdings LP, Clayton Williams Farms, Inc.; Sarah Floerke Gouak, Lower Colorado River Authority; C.E. Williams, Panhandle Groundwater Conservation District; Jim Conkwright, Prairielands Groundwater Conservation District; Steve Kosub, San Antonio Water System; Kerry Cammack, SouthWest Water Company; Sarah Schlessinger, Texas Alliance of Groundwater Districts; Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Stephen Minick, Texas Association of Business; Kyle Frazier, Texas Desalination Association; Dean Robbins and Stacey Steinbach, Texas Water Conservation Association; Doug Shaw, Upper Trinity Groundwater Conservation District; Gregory Ellis)

Against — Judith McGeary, Farm and Ranch Freedom Alliance; (*Registered, but did not testify*: Ryan Simpson, League of Independent Voters; Robyn Ross; Conrad Walton Jr.)

On — Ken Kramer, Sierra Club-Lone Star Chapter; (*Registered, but did not testify*: Charles Flatten, Hill Country Alliance)

BACKGROUND: Water Code, sec. 36.122 establishes that a permit to export groundwater outside the boundaries of a groundwater conservation district (GCD) has a term of at least 30 years, if the GCD began conveyance construction before the permit was issued or before the initial term of the permit expired. A GCD may periodically review the amount of water exported under a permit and limit that amount if certain factors such as water availability and aquifer conditions warrant limitation.

Water Code, sec. 36.1145 requires a GCD to renew an operating permit without a hearing, provided that the permit holder is not requesting changes to the permit and submits the application in a timely manner, subject to district rules.

DIGEST: HB 2378 would extend a permit to export groundwater outside the boundaries of a groundwater conservation district (GCD) to no shorter than the term of the associated operating permit. The exporting permit also would be automatically extended for each additional term the operating permit would be renewed or remain in effect.

The exporting permit would continue to be subject to conditions contained in the permit as issued. The bill would take effect September 1, 2017, and would apply only to exporting permits that expired after that date.

SUPPORTERS SAY: HB 2378 would extend groundwater exporting permit terms, reducing uncertainty for landowners, water utilities, and groundwater conservation districts (GCDs). Exporting permits, which normally have a term of 30 years, may expire before operating permits, leaving a water project developer without the ability to transport the water it produces. The bill would roll forward exporting permits along with their associated operating permits to close this awkward gap.

Exporting permits extended by the bill still would be subject to original conditions. An exporting permit would not be automatically renewed in perpetuity, and the two permits would not become one under the bill. A GCD also would retain the ability to review water availability and aquifer conditions and change the amount of water authorized to be transferred by the permit.

OPPONENTS
SAY:

HB 2378 would remove the separate process of reviewing groundwater exported out of GCD boundaries by effectively combining exporting permits and operating permits. GCDs should periodically review exporting permits rather than automatically extending them to ensure concerns about water availability and aquifer conditions were fully studied.

The bill should grandfather in existing exporting permit terms. A GCD likely would take a more rigorous approach to analyzing the effect of a permit if the permit could be extended in perpetuity. Most existing permits were intended to expire after 30 years and should be subject to original renewal procedures.

NOTES:

A companion bill, SB 774 by Perry, was referred to the Senate Committee on Agriculture, Water, and Rural Affairs on February 22.

SUBJECT: Continuing the women's health advisory committee until 2019

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

1 absent — Collier

WITNESSES: For — Carl Dunn, Texas District - American College of Obstetricians and Gynecologists; Alice Bufkin, Texas Women's Healthcare Coalition; Kami Geoffray, Women's Health and Family Planning Association of Texas (*Registered, but did not testify*: Sally McCluskey, Angelo State University; Stacey Pogue, Center for Public Policy Priorities; Jennifer Henager, Central Texas Regional Advisory Council; Wendy Wilson, Consortium of Texas Certified Nurse-Midwives; Christine Reeves, Heart of Texas Regional Advisory Council; Lauren Kreeger, League of Women Voters of Texas; Shannon Lucas, March of Dimes; Jessica Cox, NAPNAP, NANN, AWHONN; Nakia Winfield, NASW-Texas Chapter; Valerie Brumfield, Nurses; Anthoney Farmer-Guerra, Spread Hope Like Fire; Danielle Roberts, Tarrant County College Nursing (NSA); Maureen Milligan, Teaching Hospitals of Texas; Josette Saxton, Texans Care for Children; Dan Hinkle, Texas Academy of Family Physicians; Gwen Daverth, Texas Campaign to Prevent Teen Pregnancy; Katherine Miller, Texas Freedom Network; Jennifer Banda, Texas Hospital Association; Michelle Romero, Texas Medical Association; Chrystal Brown, Kelley Bryant, Cathryn El Burley, Ashley Carter, Naomi Clifton-Hernandez, Jenny Delk-Fikes, Margie Dorman-O'Donnell, Gabrielle Frey, Kimberley Grant, Ruth Grubestic, Karen Jeffries, Laura Kidd, Patricia Morrell, Eloisa G. Tamez, and Jeff Watson, Texas Nurses Association; Patricia DeFrehn, Texas Nurses Association, Nurse Executives; Tammy Eades and Kelsey Crawford Spelce, Texas Nursing Association; Clayton Travis, Texas Pediatric Society; Marla Andrade, Texas State University; Emily Alexanderson and Melinda Hester, Texas State University School of Nursing; Janet Realini, Texas Women's Healthcare Coalition; Brittany

Anderson, Savannah Bobbitt, Connie Castleberry, Tamatha Dayberry, Linda Green, Janice Hawes, Maria Hayes, Joyce Heggins, Toni Henderson, Lisa Herterich, Cynthia Hill, Anita Lowe, Janice Miller, Sybil Momii, Katherine Mulholland, Amy Pickett, Carol Randolph, Donna Rich, Dorothy Sanders-Thompson, Rebecca Smith, Jill Steinbach, Terry Throockmorton, Karen Timmons, Gabriela Torres, Whitney Vanderzyl, and Ramona Wesely, TNA; Michelle Stokes, TNSA; Candice Ford and Susan McKeever, TSNA; Nancy Walker, University Health System/Bexar County; Joe Garcia, University Health System; and 14 individuals)

Against — (*Registered, but did not testify*: Geoff Hughes, TNA)

On — (*Registered, but did not testify*: Lesley French, Health and Human Services Commission)

BACKGROUND: Government Code, sec. 531.02221 requires the women's health advisory committee to be abolished and its governing statute to expire on September 1, 2017.

The women's health advisory committee was created by SB 200 by Nelson, the Health and Human Services Commission (HHSC) Sunset bill, enacted by the 84th Legislature in 2015. The advisory committee provides recommendations to the commission on the consolidation of women's health programs. The HHSC executive commissioner may appoint up to nine members to the advisory committee and must ensure that a majority of the members are health care providers who:

- are participating in women's health programs of various sizes;
- are located in separate geographic areas in Texas; and
- have experience in operating women's health programs.

The HHSC executive commissioner may appoint a member who does not meet the previous criteria if the member represents the women's health industry and is knowledgeable on the best practices for women's health programs.

DIGEST: HB 279 would continue the women's health advisory committee until September 1, 2019.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

By extending the women's health advisory committee to 2019, HB 279 would help ensure that the consolidated women's health program at the Health and Human Services Commission (HHSC) continued to receive necessary support in meeting the demographic, geographic, and other challenges the program may face. The consolidated Healthy Texas Women Program was just implemented in July 2016, and it is too early to determine whether the program will need major changes before the advisory committee is scheduled to terminate in 2017.

The women's health advisory committee was created in 2015 to address concerns that health care providers who offered women's health services through HHSC and former Department of State Health Services programs would not have their input adequately taken into account in development of the consolidated women's health program at HHSC. The 2015 consolidation of women's health programs was the third major overhaul of these services since 2011, and provider input is needed to ensure that the program would adequately provide services to Texas women across the state, including rural areas.

Extending the advisory committee through HB 279 would allow the committee to review data on program utilization, cost per client, clients served, provider network adequacy, and access in rural areas. This data still is being gathered, as the Healthy Texas Women Program was just implemented. As the program rolls out, the advisory committee is necessary to help providers get information about billing and coding and other information about changes to the program. The committee also provides an opportunity for the public to interact with HHSC on women's health care and for stakeholders and experts to work on these issues.

While the Sunset Advisory Commission recommended consolidating duplicative advisory committees, the women's health advisory committee has a unique purpose, and its role cannot be performed by a different advisory committee. The advisory committee has been effective because

of its composition, which includes federally qualified health centers and providers who have on-the-ground knowledge in women's health. It should be continued until 2019 to allow health provider input as the Healthy Texas Women Program rolls out.

OPPONENTS
SAY:

One of the goals of the HHSC Sunset review in 2015 was to consolidate statutory advisory committees to permit the agency to function more effectively. Continuing the women's health advisory committee until 2019 would undo part of the consolidation work done by the 84th Legislature.

NOTES:

A companion bill, SB 790 by Miles, was approved by the Senate on April 3 and referred to the House Public Health Committee.

SUBJECT: Allowing for a continuance due to insufficient notice of trials or hearings

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Hunter, Gervin-Hawkins, Hefner, Lang, Wilson
0 nays
1 absent — Canales

WITNESSES: For — Vincent Giardino, Tarrant County Criminal District Attorney's Office; (*Registered, but did not testify*: Shane Deel, Callahan County Attorney's Office; Jennifer Tharp, Comal County Criminal District Attorney; Katija Gruene, Green Party of Texas; Tiana Sanford, Montgomery County District Attorney's Office; Allen Place, Texas Criminal Defense Lawyers Association; Julie Wheeler, Travis County Commissioners Court; Justin Wood, Travis County District Attorney; Bill Lane)
Against — None

BACKGROUND: Code of Criminal Procedure, art. 29 governs continuances in criminal cases.

DIGEST: HB 1266 would give both the prosecution and the defense the right to a continuance in a criminal case if the court set a hearing or trial without providing either side at least three business days' notice before the date of the hearing or trial. This provision would not apply between the date a trial began and the date a judgment was entered.

The bill would take effect September 1, 2017, and would apply to cases pending before a trial court on or after that date.

SUPPORTERS SAY: HB 1266 would help ensure that certain pre-trial motions, such as those to suppress evidence or quash indictments, did not catch either side in a court proceeding by surprise. When the state or defense files such a motion, it can require a witness to be called, which can be a time-

consuming process, especially if the witness is uncooperative. This bill would grant a brief period to the prosecutor or defense attorney to adequately prepare for such hearings.

While most cases may not require requests for extra time, HB 1266 would ensure that neither side nor the court could force an attorney to a hearing without proper notice. This would reduce the risk of mistakes in the courtroom and engender more confidence in the integrity of the criminal justice system.

OPPONENTS
SAY:

No apparent opposition.